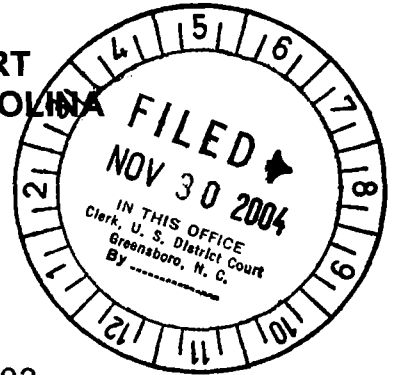


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D/KW

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



JASON GLENN WINECOFF,)
)
Petitioner,)
)
v.)
)
JAMES B. FRENCH, Admin.,)
Lanesboro Correctional Inst.,)
)
Respondent.)

1:04CV00703

J-U-D-G-M-E-N-T

On October 26, 2004, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b). No objections were received by the court within the time prescribed by the statute.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Respondent's motion to dismiss on statute of limitations grounds [Pleading No. 4] be **GRANTED**, that Petitioner's writ of habeas corpus [Pleading No. 2] be **DENIED**, and that this action be dismissed with prejudice. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.


UNITED STATES DISTRICT JUDGE

DATE: November 30, 2004